

SECOND REGULAR SESSION

# HOUSE BILL NO. 931

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BIVINS (Sponsor), PORTWOOD, ENGLER, HENKE,  
DUSENBERG, MOORE, CUNNINGHAM (145), WILSON (119), SAGER,  
SANDER AND ICET (Co-sponsors).

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STEPHEN S. DAVIS, Chief Clerk

3197L.011

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### AN ACT

To repeal sections 650.052 and 650.055, RSMo, and to enact in lieu thereof two new sections relating to DNA profiling system, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 650.052 and 650.055, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 650.052 and 650.055, to read as follows:

650.052. 1. The state's DNA profiling system shall:

2 (1) Assist federal, state and local criminal justice and law enforcement agencies in the  
3 putative identification, detection or exclusion of individuals who are subjects of the investigation  
4 or prosecution of [violent or sex-related crime] **any felony offense or any sexual offense under**  
5 **chapter 566, RSMo, and juveniles who are subjects of investigation or adjudication of any**  
6 **felony offense or any sexual offense under chapter 566, RSMo**, in which biological evidence  
7 is recovered from the crime scene; and

8 (2) Support development of a population statistics database, when personal identifying  
9 information is removed; and

10 (3) Support identification research and protocol development of forensic DNA analysis  
11 methods; and

12 (4) For quality control purposes; or

13 (5) Assist in the recovery or identification of human remains from mass disasters, or for  
14 other humanitarian purposes, including identification of living missing persons.

15 2. The Missouri state highway patrol shall act as the central repository for the DNA

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.**

16 profiling system and shall coordinate with the Federal Bureau of Investigation on the national  
17 database program.

18 3. The Missouri state highway patrol may promulgate rules in accordance with Federal  
19 Bureau of Investigation recommendations for the form and manner of collection of blood or  
20 other scientifically accepted biological samples and other procedures for the operation of sections  
21 650.050 to 650.057. No rule or portion of a rule promulgated pursuant to the authority of this  
22 section shall become effective unless it has been promulgated pursuant to the provisions of  
23 section 536.024, RSMo.

24 4. The Missouri state highway patrol shall provide the necessary components for  
25 collection of the convicted offender's biological samples. The specimens shall thereafter be  
26 forwarded to the Missouri state highway patrol crime laboratory.

27 5. The state's forensic DNA laboratories shall meet quality assurance standards specified  
28 by the Missouri state highway patrol and the Federal Bureau of Investigation to ensure quality  
29 DNA identification records submitted to the central repository.

30 6. The state's forensic DNA laboratories may provide the system for identification  
31 purposes to criminal justice, law enforcement officials and prosecutors in the preparation and  
32 utilization of DNA evidence for presentation in court and provide expert testimony in court on  
33 DNA evidentiary issues.

650.055. 1. Every individual **who pleads guilty or nolo contendere to or is convicted**  
2 in a Missouri circuit court, of [a] **any felony**], defined as a violent offense under chapter 565,  
3 RSMo,] **offense** or [as a sex] **any sexual** offense under chapter 566, RSMo, excluding sections  
4 566.010 and 566.020, RSMo, **and every juvenile who is adjudicated for any felony offense**  
5 **or any sexual offense under chapter 566, RSMo, excluding sections 566.010 and 566.020,**  
6 **RSMo**, shall have a blood or scientifically accepted biological sample collected for purposes of  
7 DNA profiling analysis:

8 (1) Upon entering the department of correction's reception and diagnostic centers; or

9 (2) Before release from a county jail or detention facility **or any juvenile detention**  
10 **facility or residential care facility**; or

11 (3) If such individual is under the jurisdiction of the department of corrections on or after  
12 August 28, [1996] **2004**. Such jurisdiction includes persons currently incarcerated, persons on  
13 probation, as defined in section 217.650, RSMo, and on parole, as also defined in section  
14 217.650, RSMo;

15 (4) **If such juvenile is under the jurisdiction of the juvenile court pursuant to**  
16 **chapter 211, RSMo, on or after August 28, 2004.**

17 2. The Missouri state highway patrol and department of corrections shall be responsible  
18 for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to

19 this section shall be required to provide such sample, without the right of refusal, at a collection  
20 site designated by the Missouri state highway patrol and the department of corrections.  
21 Authorized personnel collecting or assisting in the collection of samples shall not be liable in any  
22 civil or criminal action when the act is performed in a reasonable manner. Such force may be  
23 used as necessary to the effectual carrying out and application of such processes and operations.  
24 The enforcement of these provisions by the authorities in charge of state correctional institutions  
25 and others having custody of those convicted of the felony which shall not be set aside or  
26 reversed, is hereby made mandatory.

27         3. The procedure and rules for the collection, analysis, storage, expungement, use of  
28 DNA database records and privacy concerns shall not conflict with procedures and rules  
29 applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA  
30 data bank system.

31         4. Unauthorized uses or dissemination of individually identifiable DNA information in  
32 a database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

33         5. Implementation of section 650.050 and this section shall be subject to future  
34 appropriations to keep Missouri's DNA system compatible with the Federal Bureau of  
35 Investigation's DNA data bank system.